

July 18, 2008

Public Notice for 401 Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)

Syar Industries, Inc. Russian River and Dry Creek Crossings
WDID No. 1B04035WNSO

Sonoma County

On June 15, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from John F. Perry, of Syar Industries, Inc. requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities related to the annual installation and removal of two summer bridge crossings of the Russian River and Dry Creek in Healdsburg, Sonoma County. The proposed project causes disturbances to waters of the state associated with Dry Creek and the Russian River Hydrologic Unit No. 114.00 and Warm Springs Hydrologic Area No. 114.24.

The proposed project includes two locations, both on a temporary haul road, one over the Russian River downstream of the gravel processing plant and upstream of the Highway 101 Bridge, and one over Dry Creek near the confluence with the Russian River, Healdsburg, Sonoma County.

The proposed project consists of the construction of two separate crossings along a haul road used by Syar Industries, one over the Russian River and one over Dry Creek. The crossing over the Russian River will be constructed with temporary pilings and flatbed railroad cars. The pilings consist of hollow steel supports which will be placed on either side of the active low flow channel of the Russian River and filled with aggregate material from Syar's material stockpiles at the Healdsburg plant. Depending on site conditions when the crossing is constructed, clean, washed gravel may be pushed into the active channel to support the bridge pilings. Two flatbed railroad cars 80 feet in length will be placed on these supports. Approximately 3,000 to 3,500 cubic yards of gravel from Syar's material stockpiles (terrace mine material will not be used on either crossing) will be used to construct the temporary crossing and integrate it with the haul road. All above-water material used for the crossing will be removed when the crossing is removed, and moved above level of Ordinary High Water. The temporary crossing will not be placed until the flow of the Russian River is below 1000 cubic feet per second (cfs), and will be removed if the flow exceeds 1000 cfs (other than in a transient event). In no event will the temporary crossing be constructed earlier than May 15 or removed later than November 1.

The seasonal crossing at Dry Creek has similar construction, using temporary pilings and flatbed railroad cars. The pilings consist of hollow steel supports which will be placed on either side of the active low flow channel of Dry Creek and filled with aggregate material from Syar's material stockpiles at the Healdsburg plant. Depending on site conditions when the crossing is constructed, clean, washed gravel may be pushed into the active channel to support the bridge pilings. Two flatbed railroad cars 80 feet in length will be placed on these supports. Approximately 500 to 600 cubic yards of material from Syar's plant material stockpiles will be used to construct the temporary crossing and integrate it with haul road. This crossing will be placed and removed on the same schedule as the Russian River crossing.

The total area of impact resulting from the placement of temporary fill material is 0.1 acre for the Russian River Crossing and 0.1 acre for the Dry Creek Crossing, for a total area of temporary impact of 0.2 acre.

No compensatory mitigation is proposed for this project since the impacts are temporary and will not result in a loss of wetland or riparian habitat. Non-compensatory mitigation

measures include the use of clean washed river sand and gravel, which will be moved slowly into the flow of the Russian River and Dry Creek, on an as needed basis. The applicant will hire a qualified Fisheries Biologist to be on-site during construction, to walk out in front of the area where sand and gravels are being pushed into the flowing water. The intent is to scare any salmonids and/or other fishes out of the work area prior to discharge of the sand and gravel material.

Crossings shall be removed, and all BMPs for erosion control on the approach roads shall be in place for the wet season by November 1. BMPs shall be implemented as described within the Regional Water Board industrial stormwater permit for the processing facility and haul roads. During removal, gravel shall be graded smooth to original grade so that no impediments to flow or areas that could impound fish exist.

The U.S. Army Corps of Engineers issued a letter to Mr. Tal Bailey, of Syar Industries, on April 11, 1997, which stated that the associated discharge of fill material into waters of the United States for these activities is *not subject to regulation* under Section 404 of the Clean water Act (33 U.S.C. 1344), pursuant to the exemption specified at 33 CFR Part 323.4(a)(6). This exemption is premised on the use of Best Management Practices during construction and maintenance of the haul road to assure that flow and circulation patterns and chemical and biological characteristics of waters of the United States are not impaired; that the reach of such waters is not reduced; and that any adverse effect on the aquatic environment will otherwise be minimized. Applicant has applied for a California Department of Fish and Game Lake and Streambed Alteration Agreement on May 29, 2008, file number 1600-2008-0238-3.

The California Department of Conservation – State Mining and Geology Board, as the lead California Environmental Quality Act (CEQA) agency, prepared and Environmental Impact Report/Environmental Impact Statement pursuant to the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), Resolution No. 97-11, State Clearing House No. 91113040.

The Russian River and Dry Creek Crossings project is scheduled to begin in late summer 2008. Staff is proposing to regulate this project pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2002-0080. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Stephen Bargsten at (707) 576-2653, or at sbargsten@waterboards.ca.gov, or Brian Lindell at (707) 576-6732, blindell@waterboards.ca.gov, within 21 days of the posting of this notice.

This is a brief summary of this project; all related documents and comments received are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Blvd., Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.